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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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49637	7590	09/22/2005	EXAMINER	
BERRY & ASSOCIATES P.C. 9255 SUNSET BOULEVARD SUITE 810 LOS ANGELES, CA 90069			PWU, JEFFREY C	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/826,733	Applicant(s) PALLIPURAM ET AL.	
	Examiner Jeffrey C. Pwu	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 27-40 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 27-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |



DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 3 recites the limitation "said display screen" in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 and 27-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Hebel et al. "Hebel" (U.S. 6,073,177).

Hebel teaches claims:

1. A communication system comprising:
a server device (13) comprising a database (13a) and client software (11; also see col.3, lines 45-58), said database comprising information and said client software comprising instructions for performing a data synchronization compliant with said server (col.8, lines 10-34, "Data Synchronization"; fig.6B, 6C); and

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a first client device for performing data processing functions, said first client device for establishing a communication link with said server, for receiving a copy of said client software from said server in response to said communication link being established (col.4, lines 37-65, "Establishing a connection"; col.5, lines 15-34, "TCP/IP Two-way Connectivity"), and for using the copy of said client software to perform the data synchronization with said server to obtain a portion of said information wherein:

as a result of performing the data synchronization, the portion of the information on the first client device and in the database of the server are up-to-date. (col.7, line 13- col.8, line 34)

2. A communication system as described in Claim 1 wherein said first client device is also for erasing said client software after said data synchronization is performed. (See "Data Synchronization")

3. A communication system as described in Claim 1 wherein said first client device comprises a display screen and wherein said first client device is also for displaying said portion of said information on said display screen. (See "Table 14"; "Exception message string which the client will display to the user")

4. wherein said first device is also for erasing said portion of said information on the first client device. (it inherent that the portion of information being erased after data synchronization; See "Data Synchronization")

5. wherein said data synchronization comprises a query command. (col.4, lines 53-64)

6. A second client device for performing data processing functions, said second client device for establishing a communication link with said server, for receiving a second copy of said client software from said server in response to said communication link being established between said second client device and said server, and for using said second copy of said client software to perform a second data synchronization with said server to obtain a second portion of said information, wherein:

as a result of performing the second data synchronization, the second portion of the information on the second client device and in the database of the server are up-to-date. (see fig.2, client 11-1, 11-2, 11-3, and 11-4)

7. wherein said second client device is also for erasing said second copy of said client software after said second data synchronization is performed with said second client device. (it inherent that the portion of information being erased/deleted after data synchronization; See also "Data Synchronization")

8. A communication system as described in Claim 6 wherein said second client device comprises a display screen and wherein said second client device is also for displaying said second portion of said information on said display screen. (See "Table 14"; "Exception message string which the client will display to the user")

9. A communication system as described in Claim 1 wherein said first client device is a portable computer system and wherein said server is a web server. (it is inherent that the client device being a portable computer and the server being a web server)

27. A method comprising: maintaining, by a first device, a database and client software, the database comprising information and the client software comprising instructions for performing a data synchronization compliant with the first device; establishing a communication link between a second device and the first device; receiving a copy of the client software at the second device from the first device in response to the communication link being established; and using the copy of the client software at the second device to perform the data synchronization with the first device to obtain a portion of the information, wherein: as a result of performing the data synchronization, the portion of the information on the second device and in the database of the first device are up-to-date. (Claims 27-39 are similarly rejected as in claims 1-9)

28. The method of claim 27, further comprising: deleting the copy of the client software after performing the data synchronization. (Claims 27-39 are similarly rejected as in claims 1-9)

29. The method of claim 27, further comprising: displaying the portion of the information on a display screen of the second device. (Claims 27-39 are similarly rejected as in claims 1-9)

30. The method of claim 27, wherein using the copy of the client software at the second device to perform the data synchronization with the first device to obtain a portion of the information further comprises: executing a query command to obtain a copy of a document. (Claims 27-39 are similarly rejected as in claims 1-9)

31. The method of claim 27, further comprising: establishing a communication link between a third device and the first device; receiving a second copy of the client software at the third device to perform a second data synchronization with the first device; using the second copy of the client software at the third device to perform the second data synchronization with the first device to obtain a second portion of the information, wherein: as a result of performing the second data synchronization, the second portion of the information on the third device and in the database of the first device are up-to-date. (Claims 27-39 are similarly rejected as in claims 1-9)

32. The method of claim 31, further comprising: deleting the second copy of the client software after performing the second data synchronization. (Claims 27-39 are similarly rejected as in claims 1-9)

33. The method of claim 27, wherein the first device is a server device and the second device is a portable processing device. (Claims 27-39 are similarly rejected as in claims 1-9)

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34. A medium having recorded thereon a plurality of instructions for at least one processor, the medium comprising: instructions for establishing a communication link with a device; instructions for downloading a copy of client software from a database to the device in response to the communication link being established, the copy of the client software including instructions for performing a data synchronization; instructions for responding to communications from the device when the device is executing the instructions to perform the data synchronization to obtain a portion of information from the database, wherein: as a result of executing the data synchronization, the portion of the information on the device and in the database are up-to-date. (Claims 27-39 are similarly rejected as in claims 1-9)

35. The medium of claim 34, further comprising: instructions for deleting the copy of the client software after performing the data synchronization. (Claims 27-39 are similarly rejected as in claims 1-9)

36. The medium of claim 34, further comprising: displaying the portion of the information on a display screen of the device. (Claims 27-39 are similarly rejected as in claims 1-9)

37. The medium of claim 34, wherein the instructions for executing a data synchronization further comprises: a query command to obtain a copy of a document.

38. The medium of claim 34, further comprising: instructions for establishing a communication link with a second device; instructions for downloading a second copy of the client software to the second device in response to the communication link being established with the second device, the second copy of the client software including instructions for performing a data synchronization; instructions for responding to communications from the second device when the second device is executing the instructions to perform a second data synchronization to obtain a second portion of information from the database, wherein: as a result of executing the second data synchronization, the second portion of the information on the second device and in the database are up-to-date. (col.7, line 13-col.8, line 34)

39. The medium of claim 38, further comprising: instructions for deleting the second copy of the client software after performing the second data synchronization to obtain the second portion of the information from the database. (it inherent that the portion of information being erased/deleted after data synchronization; See also "Data Synchronization")

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hebel in view of Carini (U.S. 6,636,873).

Hebel teaches the invention substantially as claimed, but fails to teach wherein said first client device is a wireless telephone device. Carini, however, discloses a computer system for synchronizing devices wherein the devices are web-enabled phones, i.e. wireless telephones, and personal digital assistants (PDA's) [Carini – Fig.4, col.3, lines 8-11 and lines 8-11 and lines 24-30 and col.5, lines 9-16] Both Hebel and Carini teaches systems for synchronizing various computers with information from other computers. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to incorporate the various mobile devices, including web-enabled phones, i.e. wireless telephones, and PDA's, as taught by Carini into the invention of Hebel, in order to allow potentially geographically disseminated and disconnected users to synchronize the data stored on their mobile devices (Carini – col.2, lines 58-62)

Response to Arguments

6. Applicant's arguments with respect to claims 1-10 and 27-40 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey C. Pwu whose telephone number is 571-272-6798.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



9/16/05

JEFFREY PWU
PRIMARY EXAMINER